

Northeastern University School of Law Library Legal Research Guide to Employment Discrimination *

TABLE OF CONTENTS

Legal Research Guides	1
Federal	1
Major Federal Statutes	1
Federal Agency Regulations	1
Treatises	1
Specialized Journals	2
Loose-leaf Materials/Newsletters	3
Westlaw and Lexis Databases	3
Class Action Resources	3
Damage Awards/Settlement Awards	4
Attorneys Fees	4
Federal Case Law	4
Legislative Materials.....	4
Regulatory Materials.....	4
EEOC Findings	5
EEOC Decisions	5
EEOC Guidelines/Definitions.....	5
Executive Orders.....	5
Model Materials (model briefs, discovery materials)	5
Massachusetts and Other States	6
Settlements.....	6
Massachusetts Regulatory Materials.....	6
MCAD Decisions.....	6
Massachusetts Governor’s Executive Orders	6
Massachusetts Treatises	6
MCAD Guideline.....	7
Employee Handbooks/Policies	7
Damages.....	7
Discovery	7
Model Anti-Discrimination Policy for an Employer	7
Resources for Attorneys Representing Employers/Employees.....	8
Municipal.....	8
City Laws	8
Other Massachusetts Cities and Towns	9
Municipal Case Law	9

* Created for Professor Martha Davis’s Employment Discrimination Class, Winter 2002 by Sue Drisko, Reference/Electronic Services Librarian. Updated 3/14/06 by Kyle K. Courtney, Reference/Electronic Services Librarian.

Legal Research Guides

Nugent, Gabriel M., *Employment discrimination based on sexual orientation*, Legal Research Guides v. 30, Buffalo, NY: W.S. Hein, 1998. Law Reference KF241 .L43

Farber, Luke, *Private Sector Federal Employment Discrimination*, Legal Research Guides v. 10, NY: W.S. Hein, 1990. Law Reference KF241 .L43

Federal

A good resource for a basic overview of employment discrimination; “Basics of Employment Law for Law Clerks,” a Broadcast from the Federal Judicial Center and the ABA’s Labor & Employment Law section <http://www.abanet.org/labor/lawclerkbasics.pdf>

Employment Discrimination Major Federal Statutes (Examples)

<i>Nineteenth Century Civil Rights Acts</i>	42 USC §§ 1981, 1981a, 1983, 1988
<i>Civil Rights Act of 1964</i>	42 USC Chapter 21
<i>Equal Pay Act of 1963</i>	29 USC § 206
<i>Americans with Disabilities Act</i>	42 USC Chapter 126
<i>Age Discrimination & Employment Act</i>	29 USC §§ 621 – 634
<i>Black Lung Act</i>	30 USC § 938
<i>Rehabilitation Act</i>	29 USC §§ 791, 793, 794(a)

Federal Agency Regulations

The EEOC (Equal Employment Opportunity Commission) interprets and enforces the Equal Pay Act, Age Discrimination in Employment Act, Title VII, the Americans with Disabilities Act, and sections of the Rehabilitation Act.

<i>EEOC enforcement provisions</i>	42 USC § 2000e-5
<i>EEOC regulations & guidelines</i>	29 CFR Chapter XIV

Treatises

BNA’s *Americans With Disabilities Act Manual* KF 3469 A6 B57 1992 LAW STACKS

Gregory, Raymond F. *Age Discrimination in the American Workplace: Old At a Young Age* KF 3465 .G74 2001 LAW STACKS

Larson, Lex K. *Employment Discrimination* (includes EEOC and other pertinent forms) KF 3464 L37 1994 LAW STACKS

Lewis, Harold S., Jr., *Litigating Civil Rights and Employment Discrimination Cases*, KF 1325 .C58 L49 2001 LAW STACKS

Leitner, David L., ed., *Employment Discrimination Litigation: Developments and Strategies*, Tort and Insurance Practice Section, American Bar Association, 1999. KF3464 .L45 1999 LAW STACKS

Lindemann, Barbara T. *Age Discrimination in Employment Law* (BNA) KF3465 .L56 2003 LAW STACKS

Lindemann, Barbara, L., *Employment Discrimination Law*. (BNA), KF3464 .S34 1996 LAW STACKS

Perritt, Henry H., Jr., *Civil Rights in the Workplace*, KF 3464 P48 1995 LAW COMPACT (updated to 1997)

Richey, Charles R., *Manual on Employment Discrimination and Civil Rights Actions in the Federal Courts*, KF 3464 .R53 LAW STACKS

Ruzicho, Andrew, *Employment Discrimination Litigation*, KF3464 R89 1989 LAW COMPACT

Ruzicho, Andrew J. and Jacobs, Louis A. *Litigating Age Discrimination Cases*. Clark Boardman and Callaghan, KF 3465 .R89 1986 LAW COMPACT (updated to 2002)

Spriggs, Kent, *Representing Plaintiffs in Title VII Actions*, Aspen KF 3464 .S66 2000 LAW STACKS

Susser, Peter A., *Disability discrimination and the workplace* (BNA) KF3469.Z95 S87 2005 LAW STACKS

Specialized Journals

Berkeley Journal of Employment and Labor Law

Westlaw BERKJELL Selected Coverage 1984-, Full Coverage 1993-

Lexis BUSFIN; ABI Selected Coverage

Hein Online: Full Text available:1976-2004

Comparative Labor Law and Policy Journal

Westlaw CLLPJ Selected Coverage 1988-, Full Coverage 1993

Lexis Labor; COMLAB 1976-

Hein Online: Full Text available: 1976-2003.

Hofstra Labor and Employment Law Journal

Westlaw HOFLLJ Selected Coverage 1984-, Full Coverage 1993-

Lexis LAWREV; HLABLJ 1993-

Hein Online: Full Text available: 1983-2003.

Industrial and Labor Relations Review

Westlaw INDLRR 1991-

Lexis NEWS; ASAPII Selected Coverage 1989-

JSTOR: Full Text available: 1947-2001.

Hein Online: Full Text available: 1947-2003

The Journal of Employment Discrimination Law

Business Source Premier: Full Text 2000-2001

Labor Lawyer

Westlaw LABLAW Selected Coverage 1987-

Lexis ABA;LABLAW 1996-

Hein Online: Full Text available: 1985-2005.

University of Pennsylvania Journal of Labor and Employment Law

Westlaw UPAJLEL 1998-

Hein Online: Full Text available: 1998-

Harvard Civil Rights-Civil Liberties Law Review. Semi-annual.

Westlaw: HVCRCCLR 1981-
Hein Online: Full Text available: 1966-

Labor and Employment Law. ABA, Section of Labor and Employment Law. Quarterly.
LAW STACKS KF3352 .L29

Employee Rights and Employment Policy Journal
Westlaw: EREPJ Full Coverage 1997-
Lexis: EREPJ Full Coverage 1997-.

Loose-leaf Materials/Newsletters

- BNA *Employment Discrimination Report*, KF3464.A59 B87 LAW STACKS
- West's *Employment Discrimination Coordinator*, KF3464.A6 E47 2004 LAW STACKS
 - In WESTLAW – Labor and Employment Treatises – EDC (Updates: Bi-weekly)
- BNA *Labor Relations Reporter* KF3315 .L4 LAW STACKS - This looseleaf publication contains the full-text of newer federal and state court decisions concerning employment discrimination. Older cases are reprinted in hardbound volumes entitled *Fair Employment Practice Cases*. An index to cases and other materials can be found in the *Master Index*, the *Fair Employment Practices Cases Cumulative Digest and Index* and in the *Labor Relations Expediter*. Also includes Individual Employment Rights Cases, Policies, Executive Orders, a Practice Manual, State Laws, and News and Analysis.
- CCH *EEOC Decisions* SNELL REFERENCE KF3464.A59 C6x
- (CCH) *EEOC Compliance Manual*. KF3464.A6 E42. LAW STACKS - Includes decisions, manuals, policies, interpretations, model pleadings, field notes etc. of the EEOC.

Westlaw and Lexis Databases

LEXIS

Labor Law Library (LABOR)
Employment Law Library (EMPLOY)

WESTLAW

Labor and Employment
Also has EEOC Multibase (FLB-EEOC-ALL)

Westlaw has publications that are helpful looseleaf resources in print. They also used to carry BNA and CCH materials, which were invaluable, but, unfortunately, BNA and CCH have pulled material from both Lexis and Westlaw to each start their own online database subscription services.

Also, see this pdf handout from Westlaw on Labor, Employment and Human Resources Materials
<http://www.westgroup.com/documentation/westlaw/wlawdoc/wlres/labrd2b.pdf>

Class Action Resources

Class Action Report. Washington, D.C., Class Action Reports, Inc., 1972- . KF8896.A15 C52 LAW STACKS

Herr, David F., *Annotated Manual for Complex Litigation*, 4th, Federal Judicial Center. West Group, KF8900 .M35 LAW STACKS

Newberg, Herbert B. and Conte, Alba, *Newberg On Class Actions*, 4th ed. Thomson West, c2002, Trial practice series LAW STACKS KF8896 N4 2002

Findlaw's newsletters keep you up to date on a variety of legal issues and deliver the content to your e-mail box. One of those topics includes summaries of class action cases that include several summaries from all jurisdictions. There is also a searchable archive of these summaries. Take a look at this and other offerings by Findlaw at <http://newsletters.findlaw.com/>

Damage Awards/Settlement Awards

U.S. Department of Justice, Civil Rights Division, Employment Litigation Section links to complaints filed as well as consent decrees/judgments and out of court settlements <http://www.usdoj.gov/crt/casebrief.html>

Attorneys Fees

Court Awarded Attorney Fees, Mary Frances Derfner, Arthur D. Wolf, New York: M. Bender, 3 vol. Looseleaf. KF 316 .D47 LAW STACKS

Federal Case Law

West's Federal Practice Digest KF127 .W48 1989 LAW STACKS

BNA Employment Discrimination Report, KF3464.A59 B87 LAW STACKS

Employment Practices Decisions (CCH) KF3464.A6 L33 LAW STACKS

Fair Employment Practice Cases (BNA) KF 3315 .L465 LAW STACKS

Look at individual volumes such as; v. 9: Individual Employment Rights Cases; v. 9a: Individual Employment Rights Manual; v. 10: Americans With Disabilities Cases; Master Index

Lawmemo.com, <http://www.lawmemo.com>, is maintained by Professor Emeritus, Ross Runkel, Willimette University College of Law and provides links to state and federal case law (some full text and some summaries) as well as "unofficial" NLRB and EEOC Web pages which includes links to additional resources not on the federal pages. News, articles and a list of relevant federal agencies are also valuable resources.

Cornell Legal Information Institute: Employment Discrimination (U.S. Supreme Courts and Circuit Courts) http://www.law.cornell.edu/topics/employment_discrimination.html

Internet Law Library: Employment, Labor and Pension Law <http://www.lawguru.com/ilawlib/100.htm>

Merit Systems Protection Board Decisions (1994-) <http://www.mspb.gov/mspbdecisionspage.html>

Legislative Materials

United State Code Annotated KF62 1927 .W45 LAW STACKS

United States Code Service KF62 1972 .L38 LAW STACKS

CIS Index (Microform Room), *Congressional Universe* <http://www.slaw.neu.edu/library/license.htm>

GPO ACCESS: Government Publications, including legislative <http://www.access.gpo.gov/>

Internet Law Library: Employment, Labor and Pension Law <http://www.lawguru.com/ilawlib/100.htm>

Thomas: Library of Congress <http://thomas.loc.gov/>

Regulatory Materials

Code of Federal Regulations (CFR) KF70 .A3 LAW STACKS

Federal Register (FR) KF70 .A2 LAW STACKS

List of Sections Affected (LSA) KF70.A34 C632 LAW STACKS

EEOC Charges – guidelines for filing charges with the EEOC for different types of cases
<http://www.eeoc.gov/facts/howtofil.html>

Cornell Legal Information Institute: Employment Discrimination (Regulations)
http://www.law.cornell.edu/topics/employment_discrimination.html

EEOC Findings

EEOC Findings are the results of an EEOC investigation of a charge made against a particular company - which would be confidential - unless of course the matter goes to court and the EEOC initiates litigation.

EEOC Decisions

EEOC Decisions are not binding on the courts but they are given significant deference because the EEOC has the expertise to review discrimination cases. EEOC cases are available on the EEOC website – <http://www.eeoc.gov/> You can also find regulations, proposed regulations, guidelines (see below) and cases.

CCH *EEOC Decisions* – SNELL REFERENCE STACKS KF3464.A59 C6x

CCH *Employment Practices Guide* – this publication includes decisions from the EEOC as well as State and Federal courts) the older decisions are bound and titled *Employment Practices Decisions* KF 3463 .A6 L33 LAW STACKS

EEOC Guidelines/Definitions

Look to statutes and regulations (29 CFR Chapter XIV) and the website (<http://www.eeoc.gov/>)

EEOC Compliance Manual (CCH) KF3464.A6 E42 LAW STACKS

Executive Orders

Federal Register KF70 .A2 LAW STACKS and at GPO Access at <http://www.gpoaccess.gov/fr/index.html>

White House Web Site <http://www.whitehouse.gov> (only archived back to January 2001)

Older Executive Orders can be found in the *Public Papers of the Presidents of the United States*, J80 .A283 LAW STACKS it is also available online (back to the first President Bush, 1992) at <http://www.gpoaccess.gov/pubpapers/search.html> The law library only has up to 2002 but the series covers all administrations from Herbert Hoover to the present. Snell Library has the complete set at J80 .A283 SNELL STACKS

You may also consult the reliable *Weekly Compilation of Presidential Documents*. This is available in the Law Library at J80 .A284. Also available at <http://www.access.gpo.gov/nara/nara003.html> Also Full Text available 1977-2005 from Hein Online.

Model Materials (model briefs, discovery materials)

American Jurisprudence Trials: an encyclopedic guide to the modern practices, techniques, and tactics used in preparing and trying cases, with model programs for the handling of all types of litigation. KF8915 .A74
LAW STACKS

American Jurisprudence Proof of Facts, 3d series. Text and sample testimony to assist in proving contested facts. KF8933 .A42 1988 LAW STACKS

Employee Rights Litigation: Pleading and Practice – Good overview esp. for Title VII Includes sample complaints, sample interrogatories, and sample Attorney’s Fees motions. Available on Lexis; File name ERLPAP.

Larson on Employment Discrimination includes analysis of issues of employment discrimination including Discrimination based on sexual orientation, race, sex, etc., as well as coverage of the Age Discrimination in Employment Act, Americans with Disabilities Act, Title VII, etc. Includes sample documentation: EEOC Forms, digest of cases, administrative prerequisites to a court suit, and court procedures. KF3464 .L37 1994 LAW STACKS

Massachusetts and Other States

Settlements

Check newspaper stories using Lexis or Westlaw or another local newspaper databases such as the *Boston Globe*.

LEXIS has a database that includes settlement information. Look at the Lexis file; Combined Verdicts, Settlements and Expert Directories; Lexis; public records; EXPRT – includes facts of case, settlement, parties, attorneys, judges, etc.

You may also try contacting the participating attorneys for information.

Massachusetts Regulatory Materials

Code of Massachusetts Regulations, KFM2435 1986 A214 LAW STACKS, MCAD also lists their regulations on their website <http://www.state.ma.us/mcad/>

Massachusetts Commission Against Discrimination (MCAD) - Decisions

Practice And Procedure Before The Massachusetts Commission Against Discrimination, Goodwin Procter, 1998
http://www.goodwinprocter.com/publications/LE_MCAD_04_15_98.pdf

Massachusetts Discrimination Law Reporter. KFM2811.A55 M3 LAW STACKS

Contains digests and the full text of decisions issued by the Massachusetts Commission Against Discrimination, as well as court decisions involving the Commission.

Representing a plaintiff in a wrongful termination case. (MCLE QuickCheck) KFM2734.5.E55 S55
2001 LAW STACKS

Massachusetts Governor’s Executive Orders

Executive Orders of the Governor of the Commonwealth as published in the Massachusetts Register: Finding List
Compiled by the Law Library. Boston: Office of the Attorney General, KFM2436 .M313 1998 LAW STACKS

Massachusetts Treatises

Adkins, John F., *Handling Employment Law Issues*. MCLE, 1999 KFM 2734 .H36 1999 LAW COMPACT

Adkins, John F. and Shilepsky, Nancy S., eds. *Massachusetts Employment Law*. MCLE, 2003, KFM 2731 .M34 2003 LAW STACKS

Donoghue, Laurence J., ed., *Massachusetts Employment Law Sourcebook 2006*. MCLE 2006, KFM 2731 .A3692 M374 LAW STACKS

Hirsch, Jeffrey L. *Labor and Employment in Massachusetts: A Guide to Employment Laws, Regulations and Practices*. Lexis Publishing, KFM 2731 .A9 H57 LAW STACKS

Leibowitz, Ann G., ed. *Drafting Employment Documents in Massachusetts*. Boston: MCLE, 1997 – Suppl. KFM 2734 .Z9 D734 LAW STACKS

MCAD Citorator. MCLE, 2006, KFM 2734.5 .D5 M33 LAW STACKS

Moriearty, Scott C. et al., *Representing Clients Before the MCAD in Employment Cases*. MCLE 2004. KFM 2734.5 .D5 M67 2004 LAW STACKS

Moriearty, Scott C., Adkins, John F. and Lipsitz, Susan L. *Employment Law*. West Group (Massachusetts Practice Series), KFM 2480 .M3 vol. 45 2003 LAW STACKS

Schwartz, Robert M. *Your Rights on the Job: A Practical Guide to Employment Laws in Massachusetts*. 4th ed. Boston: Labor Guild of Boston, 2000, KFM 2731 .S38 2000 LAW RESERVE, LAW STACKS

Shilepsky, Nancy S. and Juliane Balliro ; reviewer, Michael R. Coppock. *Representing a Plaintiff in a Wrongful Termination Case*. 2d ed. MCLE 2001, KFM 2734.5 .E55 S55 2001 LAW STACKS

MCAD Guidelines

Sexual Harassment in the Workplace Guidelines <http://www.state.ma.us/mcad/shtoc.html>

Employee Handbooks/Policies for Massachusetts

Donoghue, Laurence J. and Oberstein, Gary J., *Employee Handbooks in Massachusetts: Drafting and Enforcing Sound Procedures and Policies*, National Business Institute. KFM 2734 .D66 2000 LAW STACKS

Damages

McHugh, James F., ed., *Damages in Massachusetts Litigation*. MCLE. KFM 2490 .D3 D36 1993 (2002 suppl.)

See also the treatises listed above.

Discovery

Lauriat, Peter M., McChesney, S. Elaine, and Gordon, William H. *Discovery*. West Group (Massachusetts Practice Series), 2001, KFM 2480 .M3 vol. 49 2001

See also the treatises listed above.

Model Anti-Discrimination Policy for an Employer

Women in the Legal Profession a Keck Clearinghouse - <http://womenlaw.stanford.edu/model.policies.html>

Provides sample policies on sexual harassment as well as some policy guidelines to consider on Alternative Work Arrangements, Parenting Leaves, etc. (geared for the female lawyer but helpful in general as well).

BNA's Employment Guide (new product) available in print, CD-ROM, and online via BNA's online product (Not available at NU)

Model Sexual Harassment Policy from MCAD <http://www.state.ma.us/mcad/harassment.html>

Resources for Attorney's Representing Employers/Employees

EEOC FAQ for when a company has a charge filed against them. <http://www.eeoc.gov/small/chargesfiled.html>

EEOC Compliance Manual (BNA) KF 3464 .A6 E42 LAW STACKS
<http://www.eeoc.gov/policy/compliance.html>

U.S. Dept. of Labor, "How to Comply with Department of Labor Laws and Regulations,"
<http://www.dol.gov/dol/regs/main.htm>

Perritt, Henry H, *Employee Dismissal Law and Practice*, 4th ed., Wiley, 1998, KF3471 .P47 1998 LAW STACKS

Pepe, Stephen P and Dunham, Scott H., *Avoiding and Defending Wrongful Discharge Claims*, 1987-, Clark Boardman and Callaghan, 2 vol., looseleaf, includes forms. (Not available at NU)

Perritt, Henry H., *Civil Rights in the Workplace*, 2d ed. KF3464 .P48 1995 LAW COMPACT (updated to 1997)

Guidelines and Memoranda of Understanding – <http://www.lawmemo.com/eeoc/guidelines.htm> provides links to EEOC documents as well as links from other governmental sources on employment discrimination such as analysis on Executive Orders, policy guidance, FAQ's, fact sheets, etc

EEOC website <http://www.eeoc.gov>

ABA: Section on Labor and Employment <http://www.abanet.org/labor/home.html>

AARP: Age Discrimination and Employment <http://www.aarp.org/>

Employment Law Information Network <http://www.elinfont.com/>

National Employment Lawyers' Association <http://www.nela.org/resources/reference.cfm>

U.S. Department of Justice: Civil Rights Division, Employment Litigation Section
<http://www.usdoj.gov/crt/emp/faq.html>

Sample EEOC Forms from Stetson Law School (Florida) <http://www.law.stetson.edu/courses/empdis/forms.htm>

Flow-chart of the path an EEOC Charge could take in the jurisdiction of Florida
<http://www.law.stetson.edu/courses/empdis/chargeprocess.htm>

City Laws

NYC has city specific laws; most of which are available on the web. The website of the NYC City Council has a searchable version of the laws, see <http://www.nyccouncil.info/>

New York Law School runs The Center for New York City Law. This site provides up to the minute access to laws, regulations, administrative decisions, etc. see <http://www.citylaw.org/>

The City of Boston Code, contains the city's compiled codes and ordinances, includes a vast array of city laws including Equal Opportunity and Employment Discrimination. There are two sources that must be used in conjunction for accuracy.

1. *Codification of the Special Laws Relating to the City of Boston* or the *City of Boston Code*, published in 1975 under the Mayorship of Kevin White. It includes Statutes (a codification of the Special Acts and Charter Provisions Relating to the City of Boston); Ordinances (the official text of the Ordinances of the City of Boston) and Regulations (a compilation of the rules and regulations relating to Departments of the City of Boston). KFX 1131 .A6 1975 LAW RESERVE – see the explanation in the beginning of the book for what each category means.
2. *City of Boston Code of Ordinances, 2001 edition*; published under Mayor Thomas M. Menino, these are in loose-leaf format and are published yearly. The current statutes can be found in the 1975 edition but this 2001 edition must be consulted for new enactments (since 1975). LAW RESERVE, KFX1131 .A6 2001

The searchable database for the Boston municipal code online is provided by American Legal Publishing at no cost. The infobase is current through 2005 c. 9, passed 12-19-05 http://www.amlegal.com/boston_ma/

Laws of Other Massachusetts Cities and Towns

Many codes/bylaws/charters are not available online and must be obtained from the office of the town clerk. The various Internet portals listed below that might prove useful in your search. The town clerk's office is also a treasure trove of other local documents such as mayoral executive orders or legal opinions of the city solicitor or town council. If a city or town agency has enacted a particular law you should contact that agency directly. Also, Massachusetts' Attorney General's library maintains a chronological compilation of town bylaws arranged by town in print.

Massachusetts Municipal Association <http://www.mma.org>

State and Local Government on the Net offers some community links at <http://www.statelocalgov.net>

Seattle Public Library has a database of municipal codes. The data is selective but the site also provides links to some of the code publishers that often provide the codes that they publish online.

http://www.spl.org/default.asp?pageID=collection_municodes

Municipal Case Law

Most municipal cases remain unreported. Some sources for major cases may include...

West's Massachusetts Digest, 2nd edition KFM2457 .W47 1986 LAW STACKS

Massachusetts Law Reporter, KFM2445.A2 M37 LAW STACKS

Massachusetts Lawyers Weekly – may report some cases KFM2401 .M35 LAW RESERVE and online <http://www.slaw.neu.edu/library/license.htm>